

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:09-CR-196-D-1

UNITED STATES OF AMERICA

v.

MONTERIUS R. SMITH

UNOPPOSED MOTION TO EXTEND
TIME TO FILE PRE-TRIAL MOTIONS

The defendant, Monterius R. Smith, by and through counsel, hereby moves the Court to extend time to file pre-trial motions. In support of this motion, Mr. Smith states the following:

1. The government filed an indictment in the above-referenced case on July 8, 2009, charging Mr. Smith with possession of a firearm by a convicted felon in violation of 18 U.S.C. §§922 (g)(1) and 924.
2. Mr. Smith was arrested on July 13, 2009, and has remained in custody.
3. The Office of the Federal Public Defender was appointed to represent Mr. Smith on July 13, 2009. The undersigned entered her official appearance also on July 13, 2009.
4. The court has set this case for arraignment and trial on September 21, 2009.
5. Defense counsel requires additional time to meet with the client who is currently in Piedmont Regional Jail and review discovery, investigate the case, and prepare the case for arraignment.
6. Counsel has contacted Assistant United States Attorney John Bennett who states that

he has no objection to an extension of time to file pre-trial motions.

7. The undersigned requests an extension of time to file pre-trial motions to effectively review the discovery with the defendant, and prepare any potential pre-trial motions.
8. This motion is made in good faith and in an effort to promote justice and not for the purpose of delay.
9. The ends of justice outweigh the interests of the defendant and the public in a speedy trial. The delay occasioned by the continuance shall be excluded in computing the defendant's speedy trial time. See 18 U.S.C. §3161(h)(7)(A).

WHEREFORE, the defendant, Monterius Smith, respectfully requests that the deadline to file pre-trial motions be extended to August 21, 2009, or to a date that the Court deems appropriate.

Respectfully requested this 11th day of August, 2009.

THOMAS P. McNAMARA
Federal Public Defender

/s/ Rosemary Godwin
ROSEMARY GODWIN
Assistant Federal Public Defender
Attorney for Defendant
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NC Bar No. 18217
LR 57.1 Counsel
Appointed

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was served upon:

JOHN BENNETT

Assistant United States Attorney
Suite 800, Federal Building
310 New Bern Avenue
Raleigh, NC 27601-1461

by electronically filing the foregoing with the Clerk of Court on August 11, 2009, using the CM/ECF system which will send notification of such filing to the above.

This the 11th day of August, 2009.

THOMAS P. McNAMARA
Federal Public Defender

/s/ Rosemary Godwin
ROSEMARY GODWIN
Assistant Federal Public Defender
Attorney for Defendant
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